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VIA JCD\_PetitionforReview@ao.uscourts.gov & Federal Express

March 5, 2019

John G. Roberts, Jr.  
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U.S. COURT OF APPEALS  
COUNTER 1

28 U.S.C. §§ 351–364 Complaint against the Chief Judge of the United States Court of Appeals for the Second Circuit Hon. Robert A. Katzmann's<sup>1</sup> misconduct pertaining to his use of the Judicial Conference's domestic relations exception to federal subject matter jurisdiction (the "DRE") and Judge Katzmann's unauthorized disposal of the undersigned's complaints against him and US District Court for the Southern District of New York Hon. Ronnie Abrams; and against Judge Katzmann's collusion with the Chief Judge of New York State; and Petition to assume jurisdiction over the Judicial Council for the Second Circuit's amenability to resolve the undersigned's complaints and a civil rights action against the Second Circuit's use the DRE, and Emergency Motion for interim relief.

Dear Hon. Chief Justice Roberts:

1. This matter concerns the Hon. Justice's failure to give notice to US citizens, the President and Congress of his advocacy, approval, consent, and authorization for the use, in the US Courts, of a domestic relations exception to federal subject matter jurisdiction (the "DRE"). The Hon. Chief Justice has not given notice to US citizens, the President or Congress of the DRE or the Judicial Conference's rule making under the DRE. Thus, the DRE and its rulemaking are unauthorized acts taken without notice to avoid the US Constitution's legislation, regulation and oversight requirements. The DRE's existence demonstrates that the federal judges are deliberately and maliciously abusing their exclusive control of the administration of 28 U.S.C. §§ 351–364. The evidence showing New York federal judges using their political power with the New York *Daily News* to defend themselves against the undersigned's civil rights action and then

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<sup>1</sup> Judge Katzmann is a member of the US Judicial Conference. The Hon. Chief Justice appointed Justice Katzmann to the US Judicial Conference Committee on the judicial branch, where he serves as chair. Justice Katzmann is also a member of the Executive Committee of the US Judicial Conference and chair of the Supreme Court Fellows Commission.

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1 mismanaging two 28 U.S.C. §§ 351–364 complaints should alarm the Hon. Chief Judge. [See  
 2 Paragraph 50 through 59.]

3  
 4 2. As demonstrated herein, the DRE is not an exception to jurisdiction at all. The DRE is a  
 5 flimflam. It is a scheme by the federal judges to allow states to invade Americans’ privacy for the  
 6 deliberate evil purpose of disturbing, disrupting, agitating and aggravating their peaceful, civil co-  
 7 existence as equal Americans under the US Constitution. There is nothing in the US Constitution  
 8 or law that gives the Hon. Justice, the Judicial Conference or the federal judges the authority to  
 9 have fabricated the DRE. Nor do the federal judges have the right to fabricate understandings with  
 10 state judges and lawyers to use the DRE as if it were authentic or legitimate. Nor to the federal  
 11 judges have authority to cause conflicts and confrontations among Americans by placing any  
 12 American above another American in US Courts, or above the law, because of their sex, creed,  
 13 race, color, sexual orientation or politics. Judge Katzmman and Abrams’ scheme with the *Daily*  
 14 *News*’ reveals their irreversible political prejudices against the undersigned’s federal civil rights  
 15 case titled *Asensio et al. v. DiFiore et al.*<sup>2</sup> (hereinafter “*Asensio v. DiFiore*”).

16  
 17 3. The DRE is a policy that is diametrically opposed to the most basic and widely held beliefs  
 18 Americans hold about freedom and liberty. In fact, as demonstrated below, the DRE violates the  
 19 Judicial Conference’s published definitions of US justice and just administration of law. [See  
 20 paragraphs 39 through 44 and 10 subparagraph v.] The DRE is a grotesque violation of justice  
 21 and Americans’ most precious and essential US civil rights.

22  
 23 4. The DRE constitutes a conflict of interest between the federal judiciary and. This conflict  
 24 can only be resolved by the Hon. Chief Justice. However, the Hon. Chief Justice has a conflict.  
 25 The basic fact is that the DRE is being used in New York State to sanction corruption by the state  
 26 chief judge, the state attorney and the state governor. The Hon. Chief Justice is faced with a  
 27 complaint against the federal judges that are protecting this corruption. The Hon. Chief Judge’s  
 28 conflict is that he authorized the DRE and did so without notice to the President or Congress.

### 29 30 *Introduction*

31  
 32 5. This 28 U.S.C. §§ 351–364 complaint concerns the Hon. Chief Justice’s sanctioning of  
 33 Judges Katzmman and Abrams to engage in deliberate and malicious conduct while operating under  
 34 the DRE’s authority. The complaint concerns Judges Katzmman and Abrams’ deliberate  
 35 misconduct against the undersigned and his daughter. It concerns their use of the DRE to avoid

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<sup>2</sup> Exhibits 1 and 2 are a press release announcing the filing of the federal complaint titled *Asensio v. DiFiore* and a copy of its cover page. The Defendants in *Asensio v. DiFiore* are Janet Marie DiFiore, chief judge of New York State; Barbara Underwood, former attorney general of New York State; Andrew M. Cuomo, governor of New York State; Adetokunbo O. Fasanya, New York County Family Court magistrate; and Emilie Marie Bosak, the undersigned’s former spouse and custodial parent. US Judge Ronnie Abrams presently presides over this matter.

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1 hearing motions and to collude with New York State Chief Judge Janet Marie DiFiore to plant a  
 2 story in the New York *Daily News* that portrayed *Asensio v. DiFiore* in a negative light. It concerns  
 3 Judge Katzmman and Abrams' misconduct aimed at dismissing the *Asensio v. DiFiore* complaint  
 4 and to protect Defendant DiFiore and the DRE.

5  
 6 6. The basic fact in this complaint is that the DRE is not a legal doctrine, not a law, and not a  
 7 basis to exclude any parental, including paternal, civil rights federal action from the United States'  
 8 courts. It concerns the collusion of federal and state judges to conceal the DRE from US citizens,  
 9 the President and Congress, and to prevent Americans from confronting the judges involved with  
 10 the DRE before a federal jury.

### 11 *Summary*

12  
 13 7. The *Asensio v. DiFiore* complaint raises first impression issues pertaining to the Hon.  
 14 Chief Justice's administration of the 28 U.S.C. §§ 351–364 statute and in the federal courts. These  
 15 matters are of the utmost importance to the nation and the federal judiciary.

16  
 17 8. The Hon. Chief Justice gives the Judicial Conference its jurisdiction and the legal basis for  
 18 its existence. This does not mean that the Hon. Chief Justice can conceal his unauthorized actions  
 19 under the cover of the Judicial Conference in order to usurp the authority of the President and  
 20 Congress. It does mean that the Hon. Chief Judge is individually responsible for the existence of  
 21 the DRE and the deliberate and malicious federal and state judicial misconduct it has fomented in  
 22 the nation. The DRE violates all the Judicial Conference's the rules for providing justice in federal  
 23 courts and the definition of justice. [See paragraphs 39 through 44.]

24  
 25 9. The organized judicial misconduct at the level of the Hon. Chief Judge and Judicial  
 26 Conference to interfere without authority or notice with individual freedoms of religious, speech  
 27 and political expression presents a grave national crisis. *Asensio v. DiFiore*<sup>3</sup> is supported by an  
 28 exhaustive five-year private investigation that produced irrebuttable evidence of New York's state  
 29 judicial corruption. This corruption has been created under the protection of the DRE policy. The  
 30 most fundamental part of the Judicial Conference's DRE policy is the sanctioning of deliberate  
 31 federal and state judicial misconduct

32  
 33 10. The Hon. Chief Judge has failed to notify the President and Congress and acted without  
 34 authority. As a matter of necessity, the Hon. Chief Justice must act in his individual capacity to  
 35 determine how to handle the crisis he created in the administration of US citizen's most private  
 36 rights. The following are the administration of justice issues that require the Hon. Chief Judge's  
 37 disclosure to the President and Congress and his decision making:  
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<sup>3</sup> See paragraphs 48 and 49 for a disclosure of the origins of this complaint and the underlying federal civil rights action.

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I. The DRE is a federal judiciary policy created by the Judicial Conference. It is not a subject matter exclusion; the DRE works backwards, it works as a reverse scheme to fabricate jurisdiction over undefined subject matters that no US or state judge has the authority to regulate

II. The Chief Justice and Judicial Conference's authority to administer justice in a 28 U.S.C. §§ 351–364 complaint when the issue is the Hon. Chief Judge and Judicial Conference's deliberate misconduct<sup>4</sup> in order to fabricate the DRE

III. The Chief Justice and Judicial Conference's authority to administer justice in a 28 U.S.C. §§ 351–364 complaint against a Judicial Council of a circuit, the chief judge of a circuit, and a district court judge for the purpose of harassing a plaintiff for challenging the DRE and to collude with a state judge to dismiss the complaint against the DRE in order to avoid allowing a federal jury to hear the complaint against the DRE

IV. Federal review of a 5-year investigation into a state judiciary's domestic relation process that was designed and is being operated with the federal judiciaries' knowledge and consent under the DRE

V. The processing of a federal application for emergency interim relief by a parent and child that has suffered retaliation from the chief judge of a federal court of appeals, a federal trial judge, and a state chief judge that has been retaliating against them acting since January 2016 in order to protect the DRE

11. The primary issue, with all due respect to the Hon. Chief Justice, is that the DRE exists in the federal courts only as a result of deliberate and malicious judicial misconduct by the Judicial Conference. The Hon. Chief Justice is the exclusive source of authority that created the DRE. Thus, the Hon. Chief Justice must be aware of the DRE and the national crisis it has created. When a state governor and a state attorney general allow a state chief judge to collude with federal judges, as is the case with the DRE's design and its operation, they are acting jointly to circumvent the US constitution, the President and Congress.

i. The DRE is designed and operated by federal judges to allow state judges to act maliciously and in clear absence of subject matter jurisdiction, namely

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<sup>4</sup> This is especially important when the misconduct is alleged in order to allow joint deliberate and malicious misconduct by federal and state judges in domestic relations, particularly in run-of-the-mill post-divorce judgment custody cases

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1 religion, private speech in families, morals and political expression and to  
2 creates one-sided judicial jurisdiction in run-of-the-mill custody cases  
3

4 ii. The DRE conceals prejudices against essential liberties under the undefined  
5 “domestic relations” label as a scheme to allow state judges to convert run-of-  
6 the-mill child custody cases into revenues streams for the state  
7

8 iii. The DRE is not an “exception to subject matter jurisdiction” at all. It is the  
9 opposite. It is a concealed and illegitimate granting of jurisdiction by federal  
10 judges to state judges over subject matter that neither of them has any authority  
11 to regulate  
12

13 iv. The Judicial Conference fabricated the DRE through an undisclosed and  
14 unauthorized concerted and collaborative effort between the federal and state  
15 judiciaries  
16

17 v. The DRE is the antithesis of every element contained in the Judicial  
18 Conference’s definition of fair administration of US courts and justice, and the  
19 Conference’s published goals for effective delivery of justice by the US federal  
20 courts<sup>5</sup>  
21

22 vi. The DRE is an unauthorized disclaimer of Article III federal jurisdiction  
23

24 vii. The Judicial Conference took it upon themselves to fabricate the DRE  
25 without notice to US citizens, the President or Congress. Article III federal  
26 jurisdiction is a basic citizenship right that provides US citizens with their only  
27 protection against state judicial corruption and state interference with civil  
28 rights. Without it, states are free to run amok  
29

30 viii. The DRE is a backwards scheme to fabricate unauthorized regulation of  
31 essential individual freedoms that neither the federal nor state judiciary have  
32 any authority to assume  
33

34 ix. The DRE is designed to be backwards work in reverse to fabricate  
35 unauthorized subject matter jurisdiction and is not an exception  
36

37 x. The DRE is the product of a concerted and collaborative effort by the federal  
38 and state judiciaries to violate the constitution’s separation of powers

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<sup>5</sup> See the section titled “*The DRE Policy Violates the Judicial Conference’s Definition of Justice and is an Extreme Violation of the Constitution’s Separation of Powers*” below.



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xi. The DRE itself is an act of deliberate judicial misconduct executed by judges acting in clear absence of legitimate jurisdiction to fabricate a policy that does not and cannot exist in any US or state law, or other legal text. This includes the US constitution

xii. By fabricating the DRE, the federal and state judiciary have taken subject matter jurisdiction over liberties that neither the federal nor state government can regulate. On the contrary, it is the federal judiciaries' legal obligation to limit state involvement in US citizens' private lives not to do the opposite by protecting the states from acting against liberty<sup>6</sup>

xiii. The protected rights that the DRE violates are described in *Barber v. Barber*, which is claimed as an authority supporting the DRE, this case actually protects "the habitations ... the chambers and nurseries of private families" from state government that seek to "inquire into and pronounce upon the morals and habits and affections or antipathies of the members of every household." [See paragraphs 45 through 47.]

12. It is for the above reasons that any jury will see the DRE as a flimflam. It is for this reason that the Judicial Council for the Second Circuit and the Chief Judge of the United States Court of Appeals for the Second Circuit, the Hon. Robert A. Katzmann, are allowing the presiding judge, the Hon. Ronnie Abrams of the US District Court for the Southern District of New York, to collude with the Chief Judge of New York State, Janet Marie DiFiore, and to act deliberately and maliciously against the undersigned, his case, and his 28 U.S.C. §§ 351–364 Complaints. This is the reason that these three federal judges are deliberately making it impossible for the undersigned to present his evidence against the federal judiciary to a federal jury.

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<sup>6</sup> See the section titled "*The DRE Policy Allows States to fabricate jurisdiction where it is the Federal Judiciary's legal obligation to strictly limit state jurisdiction*"

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***The DRE Mandates Federal Judges to Act Deceitfully***

13. The Judicial Council for the Second District, Judges Katzmman<sup>7</sup> and Abrams,<sup>8</sup> are all using the DRE in their operations. They do so despite knowing that it is not only an illegitimately fabricated policy, and an unauthorized case management practice, but a scheme by the federal and state judiciary to fabricate subject matter jurisdiction that does not and cannot exist in any federal or state law texts.

14. The DRE policy requires the federal courts to engage in misconduct to protect the DRE policy. It sounds circular, but it is a basic fact, that the Judicial Council, Judge Katzmman and Judge Abram's misconduct is being executed to protect the DRE, and New York's operation of a domestic relations process that is designed to abrogate civil rights.

15. The Judicial Conference rules mandate the Judicial Council for the Second Circuit to refer a complaint to the Judicial Conference when "in the interests of justice it is not amenable" for the council to resolve the complaint. Judge Katzmman is the alleged wrongdoer.

***The DRE is the Hon. Chief Justice's Responsibly***

16. With all due respect to the Hon. Chief Justice, the Chief Justice cannot under the above circumstances rely on the council to refer a complaint against Judge Katzmman to the Judicial Conference. The Chief Justice should agree that he has an affirmative duty to exercise the duties of office to protect US citizens for the application of DRE. The Hon. Chief Justice should not elect to use the Office of the Chief Justice to allow judicial corruption at the state and federal level. The Chief Justice must not refrain from acting against the DRE and Judge Katzmman and Judge Abrams's misconduct to protect the DRE by acting against *Asensio v. DiFiore*.

17. As shown below, the DRE policy is attributable to the Hon. Chief Justice. Therefore, only the Hon. Chief Justice or his deputy can administer justice when the Judicial Council for the Second District fails to do so. The basic fact is that both the Judicial Council and Judge Katzmman

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<sup>7</sup> Judge Katzmman's is ignoring the fact that Judge Abrams has made herself a material witness in *Asensio v. DiFiore*. See paragraph 22.

<sup>8</sup> Judge Abrams held ex parte communications with Defendant DiFiore in order to assist her in planting a news story in the New York Daily News. The article concerns the most central elements of the case. *See section titled "Ex Parte Judicial Communications and Fabrication of Jurisdiction."* This makes Judge Abrams a material witness in the case. Judge Abrams has taken actions in clear absence of jurisdiction by using *Sua Sponte* order to make prejudicial judgments, to create a one-sided stay and to deny the undersigned's motion for interim relief ("Motion 1"). She also used a *Sua Sponte* order to dispose of the undersigned's Motion 1 seeking a statutory preliminary hearing on the evidence showing that the State Defendants maliciously acted in clear absence of jurisdiction without legal authority and without legitimate state purpose and are therefore not entitled to protection in the state and federal court by the state attorney or under doctrines of immunity. She has given the defendants the key to the federal courthouse and lock-up out the undersigned and his co-plaintiff.

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are acting to allow Judge Abrams to obstruct justice in *Asensio v. DiFiore*. Therefore, the only authority in the US Courts that have clean hands are the Hon. Chief Justice or his deputy. Only they can to act in the interest of justice, only the Hon. Chief Justice can correct the Judicial Council and Judge Katzmnn's conduct that is allowing Judge Abrams' misconduct.

18. The Hon. Chief Justice must act to administer the complaints and protect *Asensio v. DiFiore* from collusion between Judge Abrams and Defendant DiFiore. This misconduct is being protected by the Judicial Council and Judge Katzmnn.

19. As the Hon. Chief Justice will read below the level of state and federal judicial corruption that the DRE has fomented has reached such an extreme that Judge Abrams has involved herself in the fabrication of a slanderous article published in the *Daily News* centered on the most material fact in *Asensio v. DiFiore*. [See section titled, "*Ex Parte Judicial Communications and Fabrication of Jurisdiction.*"] This is clear and undeniable evidence that Judge Katzmnn, who openly violates 28 U.S.C. §§ 351–364 and US laws by advocating illegal immigration, have use their power politically within the *Daily News*. The undersigned must convey his personal knowledge and information to the Hon. Chief Justice on a time is of the essence basis.

20. The Hon. Chief Judge is individually responsible for the DRE's design and operation. The Hon. Chief Judge or his representative must allow the undersigned to convey his personal knowledge and information to him or a jury, but he cannot sit and allow Judge Katzmnn to deliberately mismanage 28 U.S.C. §§ 351–364 in order to allow Judge Abrams to dismiss *Asensio v. DiFiore* and then claim innocence.

21. The Hon. Chief Judge is responsible for reviewing the undersigned's 28 U.S.C. §§ 351–364 complaints against the Judicial Council and Judge Katzmnn and Judge Abrams in *Asensio v. DiFiore's* DRE matter. The Hon. Chief Justice must take corrective action in the complaint against Judge Katzmnn before any further legal proceedings can occur in the federal courts in *Asensio v. DiFiore*. This is true irrespective of the adjudication of the complaints against Judge Abrams' conduct including her collusion with Defendant DiFiore to plant the story in the *Daily News*. With all due respect, the Hon. Chief Justice individually possesses the necessary legal authority and must do so.

### ***Background***

22. The DRE is designed and operated to abrogate US citizens' constitutional rights under Article III and their protection under the Due Process Clause. The DRE is a flimflam so the federal judiciary make allow the states to act maliciously against US citizens' most cherished liberties.<sup>9</sup>

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<sup>9</sup> By contrast, the Hon. Robert A. Katzmnn, chief judge of the United States Court of Appeals for the Second Circuit, is a vocal activist for the rights of illegal immigrants, which can be reasonably viewed as violation of judicial conduct law.



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23. The undersigned's 5-year investigation began on May 15, 2014. It began as a simple complaint against a low-level magistrate operating in an inferior, limited jurisdiction New York County family court. The investigation reached Judge Katzmman on February 27, 2019.

24. Observing and identifying fraudulent conduct by state judges presiding over domestic relations matters and federal judges presiding over civil rights issues in domestic relations matters is not a complicated or complex matter. Judge Katzmman's misconduct is simply his execution of the Judicial Conference's "*See No Evil. Hear No Evil. Say No Evil.*" policy towards malicious federal judicial misconduct in domestic relations.

25. The undersigned has invested 5 years<sup>10</sup> conducting discovery on the design and operation of New York Chief Judge Janet Marie DiFiore's domestic relations processes. Specifically, her deliberate mismanagement of the State's "run-of-the-mill" post-divorce judgment domestic custody process and her conversion of this routine applications into a \$350,000,000 a year pay-to-play scheme to help fund her public cases.<sup>11</sup> He documented the functions of over 120 senior state officials that operate the scheme on day-to-day basis.<sup>12</sup> New York State paid no attention to his discovery or constitutional, plenary and administrative complaints.<sup>13</sup> He then discovered that the federal judiciary's DRE policy was responsible for proving New York State's corruption with protection. This led the undersigned to discover the federal judges were using a policy, the DRE, to deliberately deny citizens their right under Article III of the US Constitution to access federal justice; to deny citizens the ability to defend their most basic liberties against judicial corruption. The undersigned made these discoveries before filing the *Asensio v. DiFiore* case in federal court. *Asensio v. DiFiore* is based on these discoveries.

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<sup>10</sup> The undersigned became aware of New York's fraudulent post-divorce custody process on May 15, 2014 and immediately filed a formal complaint.

<sup>11</sup> This includes cost of unregulated, unappealable so called "interim" suspension that do not and cannot exist in any New York State legal text and can exist under the cover of the DRE. The unauthorized and unnecessary appointments, without parental consent and over parental objections, and fabrication of fees, in favor of 18-b lawyers without authority or administration that provide low cost and free services to the state, and collection of those fees through fabricated contempt orders is central to the *Asensio v. DiFiore* matter. This sum also includes fees order to attorneys without authority, discovery, budgeting, administration or review as part of a case management system to pressure settlement.

<sup>12</sup> *Asensio v. DiFiore* contains affirmations from 2 lawyers and 4 affidavits testifying as to the deliberate and malicious conduct by they witnessed by judges acting not as judges, but as judges acting in clear absence of jurisdiction including one affidavit naming the 120 state individuals and another 26 judges involved.

<sup>13</sup> Attached as Exhibit 4 is a list of the New York Supreme and Appellate Courts cases against the DRE. The State paid no attention to the facts, factors and circumstances or legal argument presented in any of these cases. The State dismissed these with misrepresentation of the record and other fabrications. None of the order have any precedential value.

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***Judicial Conference's Central Role in Fomenting the DRE***

26. Exhibit 3 shows federal civil rights cases growing from less than 5% of the total federal caseload in 1962 to over 35% in 2002.<sup>14</sup> This represents a 7-fold increase in civil rights cases. Yet during this same time, the federal judiciary's blockade on domestic relations civil rights cases has allowed New York State to design and operate a process based on judicial corruption. The undersigned challenged and attempted to expose New York State's judicial corruption. Defendant DiFiore used judicial corruption to retaliate against the undersigned.

27. Exhibit 3 contains information sourced from the Judicial Commission and Federal Judiciary Center. It discloses how the Judicial Conference is designed and how it operates as the nation's federal judiciary policy organization. As mentioned above, it shows that the Hon. Chief Justice gives the Judicial Conference and its committees their jurisdiction and the legal basis for their existence. It shows that the Hon. Chief Justice also controls the process of setting the jurisdiction of the Judicial Conference's committees and that the Hon. Chief Justice has sole authority to make committee appointments.

***DRE Policy's Role in Judge Katzmman's  
 Deliberate and Malicious Misconduct***

28. Judge Katzmman is concealing the undersigned's February 13, 2019 federal judiciary complaint against Judge Abrams and February 27, 2019 complaint against him. These deal with Judge Abrams's collusion with Defendant DiFiore. It also deals with the collusion between Judge Katzmman and to protect Judge Abrams' actions. The Hon. Collen McMahon, chief US district judge for the Southern District of New York sits in silence doing nothing. They are all acting under the authority of the DRE policy.

29. The Hon. Chief Justice controls the nation's judiciary policy-making process through the Judicial Conference and its committees. Judges Katzmman and McMahon are members of the Judicial Conference and Judge Katzmman is a member of at least 3 of its committees. The collusion between Judges Katzmman and McMahon first aims to conceal the undersigned's complaint against Judge Abrams. Secondly it aims to protect Defendant DiFiore. But the basic fact is that the actions between Judges Katzmman, McMahon and Abrams are aimed at protecting the federal judiciary's ability to allow New York to abrogate due process and the rule of law in domestic relations cases. The fact is that the federal judiciary is using the DRE, not to avoid interfering with state authority, but to jointly take control over domestic relations matters over which they have no legitimate authority.

30. The basic fact is that Judges Katzmman and McMahon have knowledge of the Judicial Conference's DRE policy and concealed rules. The fact is that Judge Katzmman is acting deceitfully under the protection of the Judicial Conference's tacit rules. The fact is that under the

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<sup>14</sup> This is the last year for which the data is publicly available.

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Judicial Conference's tacit policies Judge Katzmman is allowing Judge Abrams to act deceitfully and outside of her jurisdiction to protect Defendant DiFiore.

### ***Religious and US Constitutional Beliefs***

31. *Asensio v. DiFiore* involves the conflict between the undersigned's religious, ethical, moral and political policies and those of the New York's federal and state judiciary. For instance, the undersigned raised his daughter under traditional Judeo-Christian beliefs, to attend church services, and discuss religion and morality in the home and apply her faith in God to daily life. New York interfered and removed her from her religious confirmation classes and is ignoring the undersigned's petitions for relief. Religious and political expression freedoms are central to the undersigned's case against the design and operation of Defendant DiFiore's domestic relations process and the DRE. The undersigned belief is that federal judges violating the US Constitution, as they are doing with the DRE, is directly responsible for a great deal of the social unrest in America. The undersigned believes that the federal judges cannot have the power to administer 28 U.S.C. §§ 351–364 that federal judges like Judge Katzmman privately use in the Judicial Conference to fabricate scheme to undermine Americans' beliefs in their liberty and freedom and the US Constitution.

32. Neither Judge Katzmman nor Defendant DiFiore have the right to question or overrule the undersigned's policies in his private domestic relations matters. The only way that Defendant DiFiore can do so is by acting deceitfully and by violating laws. The only way that Defendant DiFiore can act deceitfully is under the protection she is being provided by Judge Katzmman and the DRE.

### ***Ex Parte Judicial Communications, the Daily News and Fabrication of Jurisdiction***

33. The February 13, 2019 28 U.S.C. §§ 351–364 complaint deals with the collusion between Judge Abrams and Defendant DiFiore to plant a news story about the undersigned and his case in the New York *Daily News*, and Judge Katzmman's interference to quash the 28 U.S.C. §§ 351–364 complaint against Judge Abrams addressing this incident.

34. The above is a complex scheme created through a series of *ex parte* conversations between Judge Abrams and Defendant DiFiore. The *ex parte* conversations were executed to plan the fabrication of a deceitful order, to include *de hors* false statements in the fabricated order and use the *de hors* false statements to pitch their story to the *Daily News*. The story they planted in the *Daily News* creates the impression that the undersigned is an empowered wealthy male who is volatile, reactionary and acts precipitously. The sub-text is that "toxic masculinity" needs to be controlled. The fabrication by New York state officials of false allegations under the protection of the DRE is central to the cause of action in *Asensio v. DiFiore*.

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35. Judge Abrams and Defendant DiFiore use of an event that occurred on December 29, 2015 reveals their malice. The events are meaningless against the undersigned in the custody case, However, they meaningful in the custody case against Defendant Bosak. Most importantly, they are central to the civil rights and Due Process claims in *Asensio v. DiFiore*.

36. If Judge Abrams would have conducted any due diligence after having her *ex parte* conversation with Defendant DiFiore, Judge Abrams would have realized that it was Defendant DiFiore that was responsible for creating the December 29, 2015 story and that it was Defendant DiFiore that made the false story a central part of her retaliation against the undersigned. Now Judge Abrams has made herself a material witness in a fundamental and central fact issue in the *Asensio v. DiFiore* case.

37. Judges Katzmann and Abrams' blatant misconduct with the *Daily News* is the result of knowing they must defend the DRE at all cost. The fabricated DRE policy should never refer to an entire subject matter, it should be narrowly defined and limited if the federal courts use it at all. Judge Abrams acted without apprehensions. Her *ex parte* communications and scheme are in accord with the DRE's policy that sanctions judicial malice in domestic relations.

38. Judges Katzmann and Abrams' conduct is the product of the DRE's "backwards" design and "reverse" operation. It is the product of the unauthorized concerted and collaborative effort by the federal and state judiciary. It is how the DRE works to allow the federal and state judiciaries to make concerted and collaborative efforts to take over strictly private manners without authority or notice to the President or Congress.

***The DRE Policy Violates the Judicial Conference's Definition of Justice and is an Extreme Violation of the Constitution's Separation of Powers***

39. The Judicial Conference defines the Rule of Law as "legal predictability, continuity, and coherence; reasoned decisions made through publicly visible processes and based faithfully on the law." The Conference adds to this definition "adherence to the highest jurisprudential and administrative standards...based faithfully on the law."

40. The Judicial Conference's policy, goals and plan statement shown in Exhibit 3 acknowledges that undue delays in processing cases are unwarranted and that delays, and costs can skew the mix of cases that come before the federal courts. It defines Equal Justice as "fairness and impartiality in the administration of justice; accessibility of court processes; treatment of all with dignity and respect." As a matter of policy, the Judicial Commission finds that delays and expenses "may unduly pressure parties towards settlement." Rule 1 of the Federal Rules of Civil Procedure calls for the "just, speedy, and inexpensive determination of every action and proceeding." Its approved plan includes a goal to reduce unnecessary costs as well as delay.

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41. Thus, by the Judicial Commission's own definition and goal its domestic relations exception to federal subject matter jurisdiction is an unfair denial of Article III jurisdiction against an entire class of civil rights cases. These are cases involving the nation's most important freedoms and liberties. This is occurring in an area of law where government has no jurisdiction to begin with, much less any authority to fabricate delays and costs that are used to pressure settlement. The Judicial Conference policy statement and strategic plan call for "a concerted and collaborative effort among courts, Judicial Conference committees, and circuit judicial councils" to reduce delays in providing justice.

42. The Judicial Conference's Strategy 5.2 is to ensure that the federal judiciary is open and accessible to those who participate in the judicial process. Its Goal 5.2d to execute this strategy is to develop best practices for handling claims of pro se litigants in civil and bankruptcy cases.

43. The *Asensio v. DiFiore* is purely a citizen action based on an investigation whose motive is to expose the DRE in the interest of justice. No law firm would conduct such as investigation against in what is a federal judiciary policy, which is designed to lead "a concerted and collaborative effort among courts, Judicial Conference committees, and circuit judicial councils."

44. There is stark difference between the Judicial Conference's stated policy and the delays and cost and obstructions to justice, and pressure to settle, caused by the domestic relations exception to federal subject matter jurisdiction. This wide negative variance can reasonably be argued as clear evidence showing the DRE is much more sinister than merely an illegitimate case management practice. This would be in and of itself is a very serious violation of Judicial Conference's strategy and goals, and federal judicial conduct laws. But the basic fact is that the DRE is collusion by federal and state judiciaries to take jurisdiction unto themselves that no part of US government can assume. [See paragraph 2 and paragraphs 24 through 29 above.]

***The DRE Policy Allows States to Fabricate Jurisdiction  
 Where it is the Federal Judiciary's Central Legal Obligation to  
 Strictly Limit State Jurisdiction***

45. *Barber v. Barber* the 1858 US Supreme Court case claimed to be the origins of the domestic relations exception to federal subject matter jurisdiction, contains a clear and stern warning to federal judges against the disclaiming of jurisdiction over the design and operation of a state's custody process:

It is not in accordance with the design and operation of a [state] Government . . . [to] assume to regulate the domestic relations of society . . . [to take an] inquisitorial authority, [in order to] enter the habitations and even into the chambers and nurseries of private families, and inquire into and pronounce



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upon the morals and habits and affections or antipathies of the members of every household . . . [this is the case] whether [a state statute] expressly conferred upon the State courts, or tacitly assumed by them, their example and practice cannot be recognized as sources of authority by the courts of the United States. The origin and the extent of their jurisdiction must be sought in the laws of the United States. *Barber v. Barber*, 62 US 582 (1858)

46. The DRE is diametrically opposed to Americans' widely held beliefs of the government's role in domestic relations and the federal court's role in protecting their liberty and constitutional rights from state government interference.

47. The concepts espoused by *Barber v. Barber* are clear and explicit. The basic rule is that any domestic relations state process, whether it exists under a state statute or whether it has been tacitly assumed by the state, cannot be recognized by the courts of the United States if it does not comply with US law. Yet the DRE policy creates the reverse. *It creates a free for all for state judges and lawyers.*<sup>15</sup>

### ***The Complainant's Background and Origins of Asensio v. DiFiore***

48. The undersigned is the recognized pioneer of informational arbitrage. This involves the investigation of institutional securities fraud. He is a Cuban political refugee from the Bay of Pigs era and a product of New York City's Catholic parochial school system. He graduated St. Frances de Chantal and Bishop Ford High School in Brooklyn, where his family settled in an Italian Catholic community. He is a graduate of Wharton and Harvard. A disclosure on how the undersigned became involved in this matter is available in an article posted on the Institute of Judicial Conduct's website.<sup>16</sup> It was written a year ago, before the investigation of the DRE led the undersigned to research the Office of Chief Justice's responsibility for the federal judiciary policy making functions of the Judicial Conference. This article begins with the following statement:

I am a private citizen and not a lawyer or politician. I have personal experience with totalitarian governments and the investigation of fraud. My family fled communism and struggled not to leave any members behind. My childhood memories of the evils of exalted governments make it utterly intolerable for me to allow my own child to come under the control of an exalted judicial system, much

<sup>15</sup> Exhibit 5 contains a list of the US Supreme Court DRE decisions, published academic articles on the DRE and US and New York law protecting the rights that the DRE allows judges to violate.

<sup>16</sup> <http://judicialconduct.org/wp-content/uploads/2018/09/ORIGINS-OF-TOPSY-TURVY-CHIEF-JUDGES.pdf>.

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less an *administrative* system governed by a state chief judge's  
 undefined ideological policy. Concealed policies that are directly  
 the opposite of my family's moral and ethical beliefs . . . This matter  
 should not be an issue between liberal and conservative Americans.

49. The undersigned's religious and political beliefs and his commitment to his daughter are the reasons for him having invested 5-years into this investigation. To avoid the risk of being dismissed under the domestic relations exception to federal subject matter jurisdiction, the undersigned was forced to file *Asensio v. DiFiore* purely based on evidence of judicial corruption, violations of the Due Process Clause and evidence of malicious interference with the most basic American right, the right to be protected from judicial acts executed without neutral principles, without legitimate jurisdiction or authority or legitimate state purpose, and without notice to the President or Congress. *Asensio v. DiFiore* does not involve the granting of a divorce, award of alimony, determination of child custody, or a visitation decree. The foundation for the case is evidence discovered during the undersigned's five-year private investigation into judicial corruption in New York State's processing of normal, routine post-divorce judgment custody petitions. New York officials retaliated against the undersigned by abrogating all the undersigned's legal rights in New York State and by terminating the undersigned's prima facie custody rights in retaliation for taking actions against them.

***Judge Katzmann's Lack of Care and Interest in  
 Stopping Judicial Corruption in New York***

50. With all due respect to the Hon. Chief Justice, it cannot a surprise to the Hon. Chief Justice that Judge Katzmann is deliberately mismanaging the 28 U.S.C. §§ 351–364 and sanctioning Judge Abrams to ignore the undersigned's 28 U.S.C. §§ 351–364 complaint and to act unjustly, unreasonably, to ignore any law and any fact, and to do anything that is necessary to dismiss *Asensio v. DiFiore*. Accordingly, Judge Abrams is acting dishonestly and has engaged in collusion with Defendant DiFiore and the *Daily News* because Judge Katzmann is able to obstruct and conceal the undersigned's 28 U.S.C. §§ 351–364 complaints against Judge Abrams and himself.

51. Judicial corruption in the design and operation of New York's domestic relations process is costing citizens an estimated \$350 million a year. It is creating unimaginable human suffering and denying them any ability to seek relief. Imagine witnessing judicial corruption being used maliciously to cause disturbances, agitation and disruptions, conflicts and confrontations in the Hon. Chief Justice's family. Imagine the loss of security and stability the Hon. Chief Justice would feel if the federal government made the Hon. Chief Justice futile to defend his family from judicial corruption. The Hon. Chief Justice must understand the motives and purposes of the underwriter's investigation. The DRE has fomented wide spread judicial corruption. Over 120 New York State senior officials are identified in *Asensio v. DiFiore*. The Hon. Chief Justice must come to terms that the DRE has allow these 120 government workers to become part of a process that by design operates maliciously to inflict injuries on justice, due process, innocent children and all Americans. The undersigned refused to participate in the fraud and devoted himself to discover the source.

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52. Judge Katzmann has demonstrated that he has no interest in regulating judicial corruption in New York State's domestic relations processes. He is only interested in protecting the DRE. He could hardly be more openly hostile against the undersigned, and *Asensio v. DiFiore*. Judge Katzmann is using his office to show hostility against the undersigned, to obstruct the undersigned's 28 U.S.C. §§ 351–364 complaint against Judge Abrams and to protect violations of constitutional rights in post-divorce judgment child custody cases in New York. Judge Katzmann and the Judicial Council are not and will not act against the DRE. They are deliberately and maliciously obstructing the undersigned's 28 U.S.C. §§ 351–364 actions. The only federal authority under 28 U.S.C. §§ 351–364 that can regulate Judge Katzmann and his Judicial Council is the Hon. Chief Justice himself.

### *Conclusion*

53. Exhibits 6 through 10 are copies of the 28 U.S.C. §§ 351–364 complaints and samples of the documents demonstrating the evidence of the corruption that exist in New York State, which the federal judges are ignoring.

54. The record demonstrating New York's administrative judges up to the Chief Judge, and then the Governor and the State Attorney, ignoring the corruption is undeniable and readily comprehensible. The judges leading the Nation's Conference of Chief Justices also ignored the corruption. These state government officials know that they can conceal their corruption in the federal courts under the DRE.

55. Judges Katzmann and Abrams are protecting Defendant DiFiore who authorized the December 29, 2015 scheme. Judge Abrams colluded with Defendant DiFiore to use the same old and discredited scheme to plant a story in the *Daily News* on January 21, 2019. Judges Katzmann and Abrams are continuing to collude with Defendant DiFiore.

56. Again, the DRE is a federal judiciary policy created by the Judicial Conference. It is not a subject matter exclusion; the DRE works backwards, it works as a reverse scheme to fabricate jurisdiction over undefined subject matters that no US or state judge has the authority to regulate.

57. The DRE should not, cannot and must not exist in any shape, color or form on US soil. Not only does the domestic relations exception to federal subject matter jurisdiction deny justice but it undeniably foments higher, and higher state and then federal judicial misconduct as the only way to enforce the policy.

58. Due to Judges Katzmann and Abrams' misconduct this 28 U.S.C. §§ 351–364 complaint is before the Hon Chief Justice out of necessity

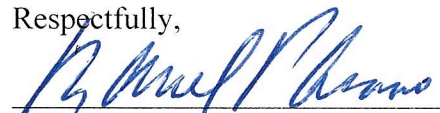
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59. This 28 U.S.C. §§ 351–364 complaint is before the Hon. Chief Justice despite the Hon. Chief Justice undeniable conflict with the subject matter and the facts. As stated in the opening paragraph:

This matter concerns the Hon. Justice’s failure to give notice to US citizens, the President and Congress of his advocacy, approval, consent, and authorization for the use, in the US Courts, of a domestic relations exception to federal subject matter jurisdiction (the “DRE”). The Hon. Chief Justice has not given notice to US citizens, the President or Congress of the DRE or the Judicial Conference’s rule making under the DRE. Thus, the DRE and its rulemaking are unauthorized acts taken without notice to avoid the US Constitution’s legislation, regulation and oversight requirements. The DRE’s existence demonstrates that the federal judges cannot have the exclusive control of the administration of 28 U.S.C. §§ 351–364. The evidence showing New York federal judges using their political power with the New York *Daily News* to defend themselves against the undersigned’s civil rights action and then deliberately mismanage two 28 U.S.C. §§ 351–364 complaints should alarm the Hon. Chief Judge. [See Paragraph 50 through 52.]

60. The undersigned respectfully requests that the Hon. Chief Justice investigate his complaint against Judge Katzmman’s misconduct pertaining to his use of the Judicial Conference’s domestic relations exception to federal subject matter jurisdiction (the “DRE”) and Judge Katzmman’s unauthorized disposal of the undersigned’s complaints against him and US District Court for the Southern District of New York Hon. Ronnie Abrams; and against Judge Katzmman’s collusion with the Chief Judge of New York State; and grant his Petition to assume jurisdiction over the Judicial Council for the Second Circuit’s amenability to resolve the undersigned’s complaints and a civil rights action against the Second Circuit’s use the DRE, and Emergency Motion for interim relief.

Respectfully,



Manuel P. Asehsio  
Complainant

cc: Anthony J. Sciria, Chair of Committee on Judicial Conduct and Disability  
Hon. Robert A. Katzmman, Chief Judge, US Court of Appeals for the Second Circuit  
Hon. Ronnie Abrams, US District Court for the Southern District of New York